



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**SEP 26 2013**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Robert Tomlinson  
Chief Executive Officer/Chairman  
Metalworking Lubricants Co  
1501 South Senate Avenue  
Indianapolis, Indiana 46225

**Re: Notice of Violation**  
Metalworking Lubricants Co  
Indianapolis, Indiana

Dear Mr. Tomlinson:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Metalworking Lubricants Co (you) under Section 113 of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). Specifically, at your Indianapolis, Indiana facility, you are in violation of the requirements to properly operate your scrubber, as required in your Federally Enforceable State Operating Permit (FESOP).

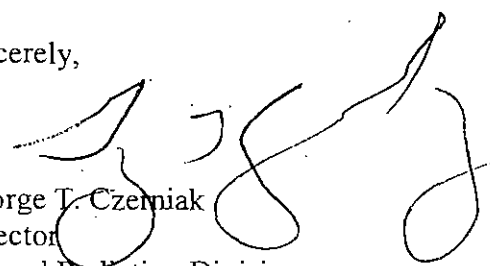
We have several enforcement options under Section 113(a) of the CAA, 42 U.S.C. § 7413(a). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Shannon Downey. You may call her at (312) 353-2151 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure:

cc: Phil Perry, Chief, Office of Air Quality  
Indiana Department of Environmental Management

1. The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards (NAAQS) to protect public health and welfare, 42 U.S.C. § 7409. To attain and maintain these standards, each State is required to develop a state implementation plan, 42 U.S.C. § 4210.
2. On June 28, 1989, EPA issued guidance on federally enforceable state operating permits (FESOP) establishing federally enforceable limits in facilities' permits. *See* 54 Fed. Reg. 27274.
3. On October 25, 1994, the Indiana Department of Environmental Management (IDEM) submitted to EPA a proposed revision to the Indiana SIP establishing a FESOP program in Indiana.
4. On August 18, 1995, EPA approved Indiana's FESOP program as part of the federally enforceable Indiana SIP. *See* 60 Fed. Reg. 43008. Indiana's FESOP program is codified at 326 IAC 2-8-1 through 2-8-17.
5. Pursuant to the Indiana SIP at 326 IAC 2-8-2, a source required to have a Part 70 permit (Indiana's federally approved Title V operating permit program) may apply to IDEM for a FESOP, in lieu of applying for a Part 70 permit.
6. The Indiana SIP at 326 IAC 2-8-4(1) requires that all FESOP permits contain emission limitations and standards assuring compliance with all applicable requirements in effect at the time of the FESOP issuance.

7. The Indiana SIP at 326 IAC 2-8-4(5)(A) requires the permittee to comply with all conditions of the FESOP. The rule goes on to state, in part, that non-compliance with any provisions of a FESOP is grounds for enforcement.
8. Pursuant to the Indiana SIP at 326 IAC 2-8-6(b), all terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit, are enforceable under the CAA by EPA.
9. Pursuant to 40 C.F.R. § 52.23, a person failing to comply with any permit limitation or condition contained within a permit to operate issued under an EPA-approved regulatory program that is incorporated into a SIP, shall render that person in violation of the SIP, thus making that person subject to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

### **Findings**

10. MLC owns and operates an oil recycling and refining facility at 1501 South Senate Avenue, Indianapolis, Indiana.
11. EPA conducted a CAA inspection of the facility on June 11 and 12, 2013.
12. MLC operates a scrubber to control sulfur emissions and resulting odors on the outside oil processing tanks and dryer tanks.
13. MLC operates a "redundant carbon box system" as a secondary odor control system on the outside oil processing tanks and dryer tanks. During EPA's inspection, plant personnel indicated MLC has not changed the carbon in this system for more than six years.
14. MLC was issued a Federally Enforceable State Operating Permit (FESOP), No. 097-26009-00139 on February 7, 2008.
15. Section D.2.3 of MLC's FESOP states, "The Permittee shall record the total static pressure drop across the scrubbers used in conjunction with the subject tanks, at least once per day. When for any one reading, the pressure drop across the scrubber is outside the normal range of 1-4 inches of water or a suitable range established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C (of the permit) - Response to Excursions or Exceedances. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps in accordance with Section C - Response to Excursions or Exceedances, shall be considered a deviation from this permit."
16. Section C.17(a) of MLC's FESOP states, "Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as

expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.”

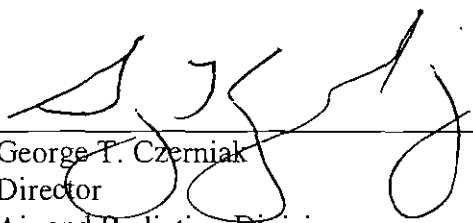
17. Section C.19(a) of MLC’s FESOP states, “Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years.”
18. Based on scrubber logs provided to EPA after the inspection, on June 14, 2013, MLC’s scrubber went below 1 inch of water for 356 days between March 1, 2011 and June 10, 2013. On more than one occasion, there were periods of time that MLC’s scrubber was below 1 inch of water for more than 21 consecutive days.
19. Based on the findings in paragraph 18, MLC had detected multiple excursions, but failed to restore operation of the control device to its normal operation in accordance with good air pollution control practices.
20. Based on scrubber logs provided to EPA after the inspection, on June 14, 2013, MLC failed to maintain daily scrubber operation logs for January, February, and November of 2011, and April, May, November, and December of 2012.

#### Violations

21. MLC’s failure to take response steps to maintain its scrubber within required operating limits is a violation of paragraphs C.17(a) and D.2.3 of its FESOP and 326 IAC 2-8-4(5)(A).
22. MLC’s failure to maintain daily scrubber operation logs is a violation of paragraph C.19(a) and D.2.3 of its FESOP and 326 IAC 2-8-4(5)(A).

Date

9/26/13

  
George T. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

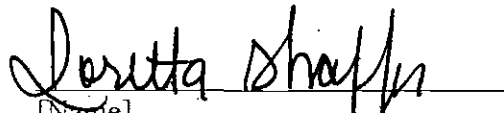
I, [Name], certify that I sent a Notice of Violation, No. EPA-5-13-IN-15, by Certified Mail, Return Receipt Requested, to:

Robert Tomlinson  
Chief Executive Officer/Chairman  
Metalworking Lubricants  
1501 South Senate Avenue  
Indianapolis, Indiana 46225

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Phil Perry, Chief  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46206-2251

On the 26 day of September 2013



[Name]

[Title]

AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7669 5718